



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 31 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No. 7001-0320-0004-5578-0426

Mr. Hal Morton
Executive Director
Des Moines County Regional Solid Waste Commission
1818 West Burlington Ave.
Burlington, Iowa 52601

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for the Des Moines County Regional Landfill, 13758 Washington Road, West Burlington, Iowa 52655

Dear Mr. Morton:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Des Moines County Regional Landfill (Des Moines Landfill) in West Burlington, Iowa. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), the EPA has completed an initial assessment of the Des Moines Landfill, and finds the Des Moines Landfill acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, the EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, the EPA shall determine if there are relevant releases or relevant violations at the facility.

The EPA corresponded with the Iowa Department of Natural Resources (IDNR) to determine the Des Moines Landfill's compliance with applicable environmental standards. The results of the correspondence indicate that the Des Moines Landfill is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, the Des Moines Landfill is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, the EPA reserves the right to revisit this decision.



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By issuing this notice, the EPA is in no way authorizing the Des Moines Landfill to undertake any waste management practice at this facility for which the Des Moines Landfill has not been previously authorized by the EPA or IDNR.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Don Toensing', with a stylized flourish at the end.

Donald Toensing
Branch Chief
Waste Enforcement and
Material Management Branch

cc: Contaminated Sites Section Supervisor
Iowa Department of Natural Resources